

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

TIMOTHY SOLOMON,

Plaintiff,

v.

Case No: 5:20-cv-00512-ACC-PRL

SHERIFF OF LAKE COUNTY, et al.,

Defendants.

ORDER

In this action, Plaintiff alleged claims under 42 U.S.C. § 1983 for false arrest and related claims against the Sherriff of Lake County and Richard Sylvester in his individual capacity. (Doc. 1). Previously, the Court declined supplemental jurisdiction over Plaintiff's claims of false arrest (Count I), battery against the Sheriff (Count II), intentional infliction of emotional distress (Count IV) and negligent inflection of emotional distress (Count V) and dismissed those claims without prejudice. (Doc. 26). The Court further ordered Plaintiff to file an amended complaint alleging only his claims under 42 U.S.C. § 1983 no later than November 23, 2021, and if Plaintiff failed to file a timely amended complaint the case would proceed as to Count III only (the claim under § 1983 against Defendant Sylvester for false arrest). Plaintiff failed to timely file an amended complaint.

This matter is now before the Court for consideration of two pending motions. First, Defendants have moved to strike Plaintiff's expert disclosures. (Doc. 24). Defendants recite that, on October 14, 2021, Plaintiff served his expert witness list and disclosures, and listed Dr. Odest Cannon and Dr. Tom Dikel as retained experts. Defendants further recite that the disclosure did not provide any expert reports and, therefore, does not comply with Rule 26 of

the Federal Rules of Civil Procedure. Plaintiff has not responded to Defendants' motion, and the time for responding has expired. Accordingly, the undersigned finds that Defendants' motion to strike Plaintiff's expert disclosures (Doc. 24) is due to be granted.

Also pending is the motion of Stanley W. Plappert to withdraw as counsel for Plaintiff. Mr. Plappert recites that irreconcilable differences have arisen between him and his client and requests that he be permitted to withdraw. Mr. Plappert also recites that he has provided notice to Plaintiff via U.S. mail at his last known address, Timothy Solomon, 436 Misty Oaks Lane, Eustis, Florida 32736.

Counsel's motion to withdraw (Doc. 27) is GRANTED. Stanley W. Plappert is hereby relieved of further responsibility for the representation of Plaintiff in this case, and the Clerk is directed to remove him from the CM/ECF filing system for this case.


On or before **January 10, 2021**, Plaintiff Timothy Solomon is directed to retain new counsel, who shall file a notice of appearance on the docket, or file a notice indicating that he intends to proceed *pro se*. Failure to file a notice of appearance or *pro se* notice as directed may result in the dismissal of this action without prejudice without further notice.

Plaintiff is further cautioned that if he proceeds *pro se*, he is required to comply with this Court's Local Rules, the Federal Rules of Civil Procedure, and the Federal Rules of Evidence. Plaintiff may obtain a copy of the Local Rules from the Court's website (<http://www.flmd.uscourts.gov>) or by visiting the Office of the Clerk of Court. Also, resources and information related to proceeding in court without a lawyer, including a handbook entitled *Guide for Proceeding Without a Lawyer*, can be located on the Court's website (http://www.flmd.uscourts.gov/pro_se/default.htm).

Accordingly, upon due consideration, it is Ordered that:

1. Defendants' motion to strike Plaintiff's expert disclosures (Doc. 24) is GRANTED.
2. The motion of Stanley W. Plappert, Esq., to withdraw as counsel for Plaintiff (Doc. 27) is GRANTED.
3. On or before **January 10, 2021**, Plaintiff Timothy Solomon is directed to retain new counsel, who shall file a notice of appearance on the docket, or file a notice indicating that he intends to proceed *pro se*. Failure to file a notice of appearance or *pro se* notice as directed may result in the dismissal of this action without prejudice without further notice.
4. The Clerk is directed to send a copy of this Order to Plaintiff at his last known address.

DONE and **ORDERED** in Ocala, Florida on December 9, 2021.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties